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10/622,880

07/18/2003

Gavin Peacock

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EXAMINER

PANTOLIANO JR, RICHARD

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

07/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|-----------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/622,880 | Applicant(s) PEACOCK ET AL. | |
| | Examiner Richard Pantoliano Jr | Art Unit 2194 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the initial office action for Application# **10/622,880** filed on **18 July 2003** with preliminary amendment received on 29 March 2005. **Claims 24-31** are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 24-28** are rejected under 35 U.S.C. 102(b) as being anticipated by Lazaridis et al. (US Pat: 5,802,312).
3. As to **Claim 24**, Lazaridis et al. discloses the invention substantially as claimed including a soft-ware product storing code for providing data communications in a computer system, wherein execution of the code by one or more processors causes the one or more processors to perform the steps of:
 - a) the unified exchange manager accepting message information (Col. 14, line 37 – Col. 15, line 9) (The Process Open Connection (1001) module of the File Transfer Agent (206) meets this limitation);
 - b) the unified exchange manager to selecting an appropriate application from a plurality of applications that are executable on the computer system, the unified exchange manager selecting the appropriate application based on a data type of the message information, wherein said unified exchange manager communicates with a plurality of communication libraries, each said communication library implementing a

particular protocol for external communication, wherein at least one of said communication libraries comprises a wireless communication library (Col. 4, line 58 – Col. 5 – line 60; Col. 6, lines 30-60 and Figure 2);

c) determining whether a user accepts said message information (Col. 6, lines 4-65); and

d) passing said message information from said unified exchange manager to the appropriate application program in response to said user accepting said message information (Col. 14, line 22 – Col 16, line 4).

4. As to **Claim 25**, Lazaridis et al. further discloses alerting said appropriate application that said appropriate application will be receiving said message information (Col. 4, line 58 – Col. 5, line 60 and Figure 2).

5. As to **Claim 26**, Lazaridis et al. further discloses said message information is from an external source (Col. 4, line 58 – Col. 5, line 60 and Figure 2).

6. As to **Claim 27**, Lazaridis et al. further discloses said message information is from a second application program (Col. 4, line 58 – Col. 5, line 60 and Figure 2).

7. As to **Claim 28**, Lazaridis et al. further discloses returning from said appropriate application program a call handle that activates said application program and displays said message information (Col. 4, line 58 – Col. 5, line 60 and Figure 2) (Since the

application making use of the File Transfer Agent is disclosed as being a separate entity from the application wishing to transfer messages, the File Transfer Agent would inherently require some sort of callback mechanism to inform the calling application of the completion of sending or receiving a message sent to or from that application).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 29-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. in view of Gutman (US Pat: 5,737,690).

10. As to **Claims 29 and 30**, Lazaridis et al. discloses the software product as claimed in **Claim 24**, but does not disclose wherein the wireless communication library comprises an infrared communication library implementing the IrDA protocol.

11. Gutman explicitly discloses the use of IrDA in a wireless communication system for the purpose of transferring messages (Col. 3, lines 1-24; Col. 4, lines 19-43).

12. It would have been obvious to one of ordinary skill at the time of invention to modify the system disclosed by Lazaridis et al. with the teachings of Gutman. One would have been motivated by the fact that Lazaridis et al. discloses that said invention is designed to ensure the delivery of messages over wireless networks (Col. 2, lines 18-

20) and Gutman discloses that well-known wireless networks consisting of IrDA can be used to substitute for radio frequency networks (Col. 3, lines 1-24; Col. 4, lines 19-43), upon which Lazaridis et al. primarily focuses.

13. As to **Claims 31**, Lazaridis et al. discloses the software product as claimed in **Claim 24**, but does not explicitly disclose wherein said communication libraries comprises a pager communication library.

14. Gutman explicitly discloses the use of pager communications over in a wireless communication system for the purpose of transferring messages (Col. 2, lines 32-42; Col. 3, lines 1-24; Col. 4, lines 19-43).

15. It would have been obvious to one of ordinary skill at the time of invention to modify the system disclosed by Lazaridis et al. with the teachings of Gutman. One would have been motivated by the fact that Lazaridis et al. discloses that said invention is designed to ensure the delivery of messages over wireless networks (Col. 2, lines 18-20) and Gutman is attempting to ensure the delivery of pages over wireless networks (Col. 2, lines 32-42; Col. 3, lines 1-24; Col. 4, lines 19-43).

Response to Arguments

16. Applicant's arguments filed **23 April 2007** have been fully considered but they are not persuasive.

a) As to **Claim 24**, Applicants argue that Lazaridis et al. fails to disclose "that applications are selected based on the data type of the received file" (pg. 6 of

Applicants' Remarks). However, Lazaridis et al. meets this claim limitation via the Message Manager portion of the disclosed File Transfer Agent (Col. 6, lines 30-60) and which is further described throughout the reference. Examiner has cited particular columns and line numbers and/or figures in the references as applied to the claims for the convenience of the applicant. Applicant is reminded that rejections are based on references as a whole and not just the cited passages. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the cited art or disclosed by the examiner.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2194

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano Jr whose telephone number is (571) 270-1049. The examiner can normally be reached on Monday-Thursday, 8am - 4 pm EST.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP
07/02/2007



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